IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 32640 of 2006(I)

PETITIONER:

V.KUMARAN NAIR,
(MANAGER (ACCOUNTS), RETD., KERALA SMALL INDUSTRIES DEVELOPMENT CORPORATION),
GOPALA NIVAS, MONCY BHAVAN LANE,
SASTHAMANGALAM P.O., TRIVANDRUM-10.

BY ADV. SRI.K.N.CHATHUKUTTY

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

2. **KERALA SMALL INDUSTRIES DEVELOPMENT CORPN., (A KERALA GOVERNMENT UNDERTAKING), REP. BY ITS MANAGING DIRECTOR, HOUSING BOARD BUILDING, SANTHINAGAR, TRIVANDRUM.**

R1 BY GOVT. PLEADER SHRI.P.NANDAKUMAR.
R2 BY ADV. SRI.M.A.MANHU, SC, SIDCO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.32640/2006.

APPENDIX

Petitioner's Exhibit:-

P1: Copy of the proceedings dated 16-10-2006 of the 2nd respondent.

Respondents' Exhibit:-

Nil.

(true copy)

P.A. to Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).No.32640 OF 2006-I.

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Dated this the 9th day of January, 2007.

J U D G M E N T

The petitioner retired from the post of Manager (Accounts) while working in the Kerala Small Industries Development Corporation. But the respondent management has not paid him the retirement and other service benefits ie. gratuity, terminal surrender, D.A. Arrears and pay revision arrears.

2. In the statement filed by the 2nd respondent it is contended that the Corporation has been undergoing severe financial crisis and until the Corporation is able to get over those difficulties, the retired employees shall have to wait in the queue to reach their turn.

3. The retired employees of the Corporation have been approaching this Court for appropriate directions and the petitioner is only one among them. This Court had considered the difficulties highlighted by the Corporation but taking into consideration the pathetic situation in which the retired hands were pulling on their life, the contentions of the respondent were not accepted. I am also of the view that it may not be just or proper to ask the

retired hands to wait indefinitely to receive the terminal benefits legitimately due. Hence it is necessary that a time limit is to be fixed for the disbursement of the terminal benefits and other amounts payable by the respondents.

4. Accordingly, the writ petition is disposed of directing the 2nd respondent to work out the monetary benefits as claimed in relief No.1 of the writ petition and to pay the same to the petitioner within four months from today. If the petitioner has got any dispute regarding the amount determined by the 2nd respondent, it will be open to him to bring that fact to the notice of the respondent for settlement of the issue.

The Writ petition is disposed of with the above direction.

K.K.DENESAN, JUDGE.

kvs/-